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Heritage-Nevada VIII, LLC*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

HERITAGE-NEVADA VIII, LLC,

Plaintiff,

v.

WORLD MARKET CENTER
VENTURE, LLC,

Defendant.

Case No. 3:08-mc-80245-VRW

(Case No. 2:08-cv-00130-PMP-RJJ
pending in the United States District Court
for the District of Nevada)

**THIRD JOINT STIPULATION
REQUESTING A 30-DAY
CONTINUANCE OF WORLD
MARKET CENTER VENTURE
LLC'S MOTION TO QUASH
SUBPOENA AND ~~PROPOSED~~
ORDER THEREON, IN LIGHT OF
RELATED MOTION TO COMPEL
PENDING IN DISTRICT OF NEVADA**

Plaintiff-opposer Heritage-Nevada VIII, LLC ("Heritage"), defendant-
movant World Market Center Venture, LLC ("WMC"), and joining party Cost Plus
Management Services, Inc. ("Cost Plus") hereby submit the following third joint
stipulation and proposed order for a 30-day continuance of the April 23, 2009
hearing date and all related opposition and reply deadlines in connection with

1 WMC's pending motion to quash a subpoena that Heritage previously served upon
2 Cost Plus, in light of a related motion to compel currently pending in the District of
3 Nevada (Heritage, WMC, and Cost Plus are collectively the "parties").

4 This Court previously continued the hearing date for WMC's pending quash
5 motion from January 29, 2009 to March 19, 2009, and then to April 23, 2009,
6 based upon the parties' filing of January 8, 2009 and February 23, 2009 joint
7 stipulations requesting such relief. The prior stipulations requested a continuance
8 because the information and materials that are the subject of Heritage's subpoena
9 and WMC's motion to quash overlap at least in part with documents that are the
10 subject of Heritage's motion to compel currently pending in the United States
11 District Court for the District of Nevada, the court responsible for and most
12 familiar with the underlying litigation and its background facts. As discussed in
13 the prior stipulations, WMC cited this overlap in its moving papers. *See, e.g.,*
14 WMC supporting memorandum of law at 4, 7 (arguing that the documents that
15 Heritage seeks in its subpoena "are presently the subject of [a] dispute that is being
16 heard on an expedited basis by the Nevada District Court").

17 As referenced in the parties' prior stipulations, Heritage's motion to compel
18 in the District of Nevada has been fully briefed and was argued on January 15,
19 2009, and the parties await the court's decision on that motion to compel.

20 The parties remain in agreement that the resolution of Heritage's motion to
21 compel could be helpful and potentially instructive to this Court, and that a 30-day
22 continuance of the April 23, 2009 hearing date and all related filing deadlines
23 remains desirable and warranted in the interests of judicial economy.

24 The parties stipulate that the deadline for all opposition and reply filings will
25 be based upon the newly-selected hearing date, in accordance with the Northern
26 District of California local rules.

The parties reserve all rights, remedies, objections, and arguments in connection with this motion to quash, including (1) Heritage's argument that WMC's motion was procedurally defective and not filed in accordance with the Northern District of California local rules; (2) WMC's and Cost Plus' argument that Heritage's subpoena was procedurally defective and not served in accordance with these local rules; and (3) Cost Plus' request that if WMC's motion to quash is denied and Cost Plus is ordered to comply with Heritage's subpoena, Heritage should be ordered to pay for Cost Plus' costs and fees.

Dated: April 1, 2009

IT IS SO STIPULATED.

<p><u>/s/ Michael A. Firestein</u> Michael A. Firestein (SBN 110622) mfirestein@proskauer.com PROSKAUER ROSE LLP 2049 Century Park East 32nd Floor Los Angeles, CA 90067-3206 Tel: 310.557.2900 Fax: 310.557.2193</p> <p>Brendan J. O'Rourke* Adam D. Siegartel* PROSKAUER ROSE LLP 1585 Broadway New York, NY 10036 Tel: 212.969.3000 Fax: 212.969.2900 *Admitted <i>pro hac vice</i> in District of Nevada</p> <p><i>Attorneys for plaintiff-opposer Heritage-Nevada VIII, LLC</i></p>	<p><u>/s/Rob L. Phillips</u> Rob L. Phillips (SBN 175354) phillipsr@gtlaw.com Mark G. Tratos** Ronald D. Green** F. Christopher Austin** GREENBERG TRAURIG LLP 3773 Howard Hughes Parkway Suite 500 North Las Vegas, NV 89101 Tel: 702.792.3773 Fax: 702.792.9002</p> <p>**Admitted in District of Nevada</p> <p><i>Attorneys for defendant-movant World Market Center Venture, LLC</i></p>	<p><u>/s/Marcy J. Bergman</u> Marcy J. Bergman (SBN 75826) (marcy.bergman@bryancave.com) Bryan Cave LLP Two Embarcadero Center Suite 410 San Francisco, CA 94111 Tel: 415.675.3421 Fax: 415.675-3621</p> <p><i>Attorneys for joining party Cost Plus Management Services, Inc.</i></p>
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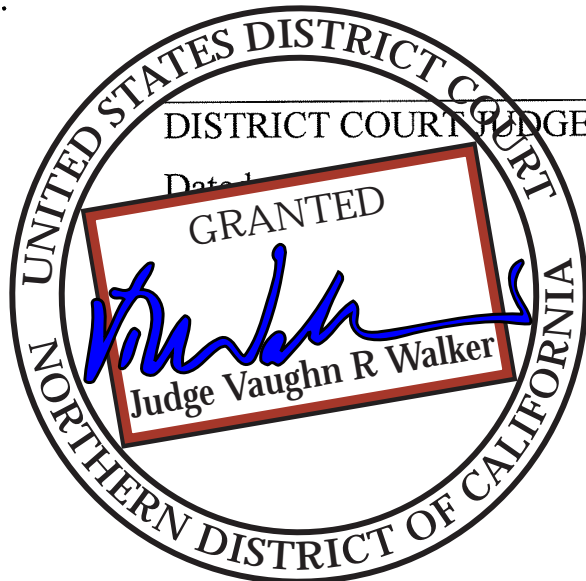
I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

/s/ Michael A. Firestein
Michael A. Firestein

~~PROPOSED~~ ORDER

Having considered the foregoing third joint stipulation requesting a 30-day continuance of World Market Center Venture LLC's motion to quash subpoena, in light of related motion to compel pending in District of Nevada, it is HEREBY ORDERED that the hearing date for this motion is continued to May 28, 2009, and that all opposition and reply filings will be based upon this new hearing date in accordance with the Northern District of California local rules.

Date: 4/3/2009



CERTIFICATE OF SERVICE

I declare that: I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within cause; my business address is Proskauer Rose LLP, 2049 Century Park East, Suite 3200, Los Angeles, California 90067-3206. I am admitted to practice in the United States District Court for the Northern District of California.

On April 1, 2009, I caused a true and correct copy of the Third Joint Stipulation Requesting A 30-Day Continuance Of World Market Center Venture LLC's Motion To Quash Subpoena And Proposed Order Thereon, In Light Of Related Motion To Compel Pending In District of Nevada, to be served by first class mail and electronic mail upon counsel for World Market Center Venture, LLC and Cost Plus Management Services, Inc. at the following addresses:

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Executed on April 1, 2009 at Los Angeles, California.

_____/s/ Michael F. Firestein
Michael F. Firestein